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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

CENTOCOR ORTHO BIOTECH,
INC.

Plaintiff,

v.

GENENTECH, INC. and CITY
OF HOPE

Defendants.

GENENTECH, INC. and CITY
OF HOPE

Counter-Plaintiffs,

v.

CENTOCOR ORTHO BIOTECH,
INC.

Counter-Defendant

AND

GLOBAL PHARMACEUTICAL
SUPPLY GROUP, LLC,
CENTOCOR BIOLOGICS, LLC,
AND JOM PHARMACEUTICAL
SERVICES, INC.

Third-Party Defendants.

Case No. CV 08-03573 MRP (CTx)

**JOINT STIPULATION REGARDING
CLAIMS RELATED TO U.S.
PATENT NO. 6,417,335**

WHEREAS, Defendants Genentech, Inc. and City of Hope filed Second Amended Counterclaims on July 1, 2009 against Centocor Ortho Biotech, Inc., Global Pharmaceutical Supply Group, LLC, Centocor Biologics, LLC, and JOM Pharmaceutical Services, Inc. (collectively the "Centocor Parties"). Included were causes of action by Genentech claiming infringement of United States Patent No. 6,417,335 (the '335 patent) (the "Second Cause of Action" in the Counterclaims) and

1 seeking a declaratory judgment of infringement of the '335 patent (the "Fourth Cause
2 of Action" in the Counterclaims);

3 WHEREAS, Genentech and the Centocor Parties seek to simplify the issues for
4 trial in this case;

5 NOW, THEREFORE, IT IS HEREBY STIPULATED by and among the
6 parties, through their respective counsel, that:

7 Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), the Second and Fourth Causes of
8 Action in Defendants' July 1, 2009 Second Amended Counterclaims (i.e.,
9 Genentech's claims related to the '335 patent) are hereby dismissed with prejudice
10 with each party to bear its own costs and fees.

11
12 Dated: April 8, 2010

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